

SENATE BILL No. 443

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22.

Synopsis: Internet government procurement. Authorizes a governmental body to receive electronic offers for a procurement by e-mail or other electronic means under certain circumstances. Authorizes political subdivisions to provide notices of procurements through the state's Internet website. Provides that a governmental body may sell surplus property through an Internet auction site approved by the intelenet commission.

Effective: July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 443

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-22-2-13.9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2002]: **Sec. 13.9. "Intelenet commission" refers to the**
- 4 **commission established by IC 5-21-2-1.**
- 5 SECTION 2. IC 5-22-3-4 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Whenever this article requires
- 7 that notice or other material be sent by mail, the material may be sent
- 8 by electronic means as stated in any of the following:
- 9 (1) Rules adopted by the governmental body.
- 10 (2) Written policies of the purchasing agency.
- 11 (3) A solicitation.
- 12 (b) Rules, written policies, and solicitation statements described in
- 13 subsection (a):
- 14 (1) are subject to this article; and
- 15 (2) must provide that the transmission of information is at least as
- 16 efficient and secure as sending the material by mail.
- 17 (c) A governmental body may receive electronic offers if both of the



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following apply:

(1) The solicitation indicates the procedure for transmitting the electronic offer to the governmental body.

(2) The governmental body receives the offer on a ~~facsimile~~ fax machine, **by e-mail, or by means of another electronic system with that has** a security feature that protects the content of an electronic offer with the same degree of protection as the content of an offer that is not transmitted by a ~~fax machine~~. **electronic means.**

SECTION 3. IC 5-22-7-5, AS AMENDED BY P.L.251-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. **(a)** The purchasing agency shall give notice of the invitation for bids in the manner required by IC 5-3-1. ~~In addition,~~

(b) The purchasing agency for a state agency shall **also** provide electronic access to the notice through the electronic gateway administered by the intelenet commission. ~~under IC 5-21-2.~~

(c) The purchasing agency for a political subdivision may also provide electronic access to the notice through the electronic gateway administered by the intelenet commission as determined by the commission.

SECTION 4. IC 5-22-9-3, AS AMENDED BY P.L.251-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. **(a)** The purchasing agency shall give public notice of the request for proposals in the manner required by IC 5-3-1. ~~In addition,~~

(b) The purchasing agency for a state agency shall **also** provide electronic access to the notice through the electronic gateway administered by the intelenet commission. ~~under IC 5-21-2.~~

(c) The purchasing agency for a political subdivision may also provide electronic access to the notice through the electronic gateway administered by the intelenet commission as determined by the commission.

SECTION 5. IC 5-22-22-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. **(a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:**

(1) The site is approved by the intelenet commission.

(2) The site is linked to the electronic gateway administered by the intelenet commission.

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus

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property to be sold.

(c) **The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.**

SECTION 6. IC 5-22-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) If:

(1) an auctioneer is not engaged under section 4 of this chapter;

or

(2) the surplus property is not sold through an Internet auction site under section 4.5 of this chapter;

the purchasing agency shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of sale.

(b) Advertisement of the sale shall be made in accordance with IC 5-3-1.

(c) All sales shall be made to the highest responsible bidder.

SECTION 7. IC 5-22-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) Notice of a sale under this chapter must be given by publication of the time, place, and terms of the sale, as provided in IC 5-3-1 in the county where the property is located. The publication shall be made at least fifteen (15) days before the date of the sale.

(b) Notice under this section is required in addition to notice:

(1) given by an auctioneer under section 4 of this chapter; or

(2) provided by an Internet auction site under section 4.5 of this chapter.

SECTION 8. IC 5-22-22-12, AS AMENDED BY P.L.1-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) This section applies to the following surplus property:

(1) Fire trucks.

(2) Emergency service vehicles.

(3) Firefighting or emergency services equipment.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) Notwithstanding section 4, **4.5**, or 5 of this chapter, a governmental body may transfer title of surplus property to a volunteer fire department for the volunteer fire department's use in providing fire protection or emergency services.

(d) A volunteer fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property

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1 that is refused by the volunteer fire departments located in the same
2 county as the governmental body may be transferred to any volunteer
3 fire department in Indiana.

4 (e) A governmental body may transfer title of surplus property to a
5 volunteer fire department under this section by:

- 6 (1) sale;
7 (2) gift; or
8 (3) another arrangement acceptable to the governmental body and
9 the volunteer fire department.

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